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# LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
## BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
## JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
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September 7, 2016

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Mayra Cornejo
J.S.I.D. File #15-0001
L.A.S.D. File #014-17104-2814-013

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the December 31, 2014, fatal shooting of Mayra Cornejo by members of the Los Angeles County Sheriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Salvador Valencia, #[redacted]
Deputy Aaron Reynoso, #[redacted]
Deputy Jorge Ortiz, #[redacted]


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**MEMORANDUM**

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Mayra Cornejo
J.S.I.D. File #15-0001
L.A.S.D. File #014-17104-2814-013

DATE: September 7, 2016

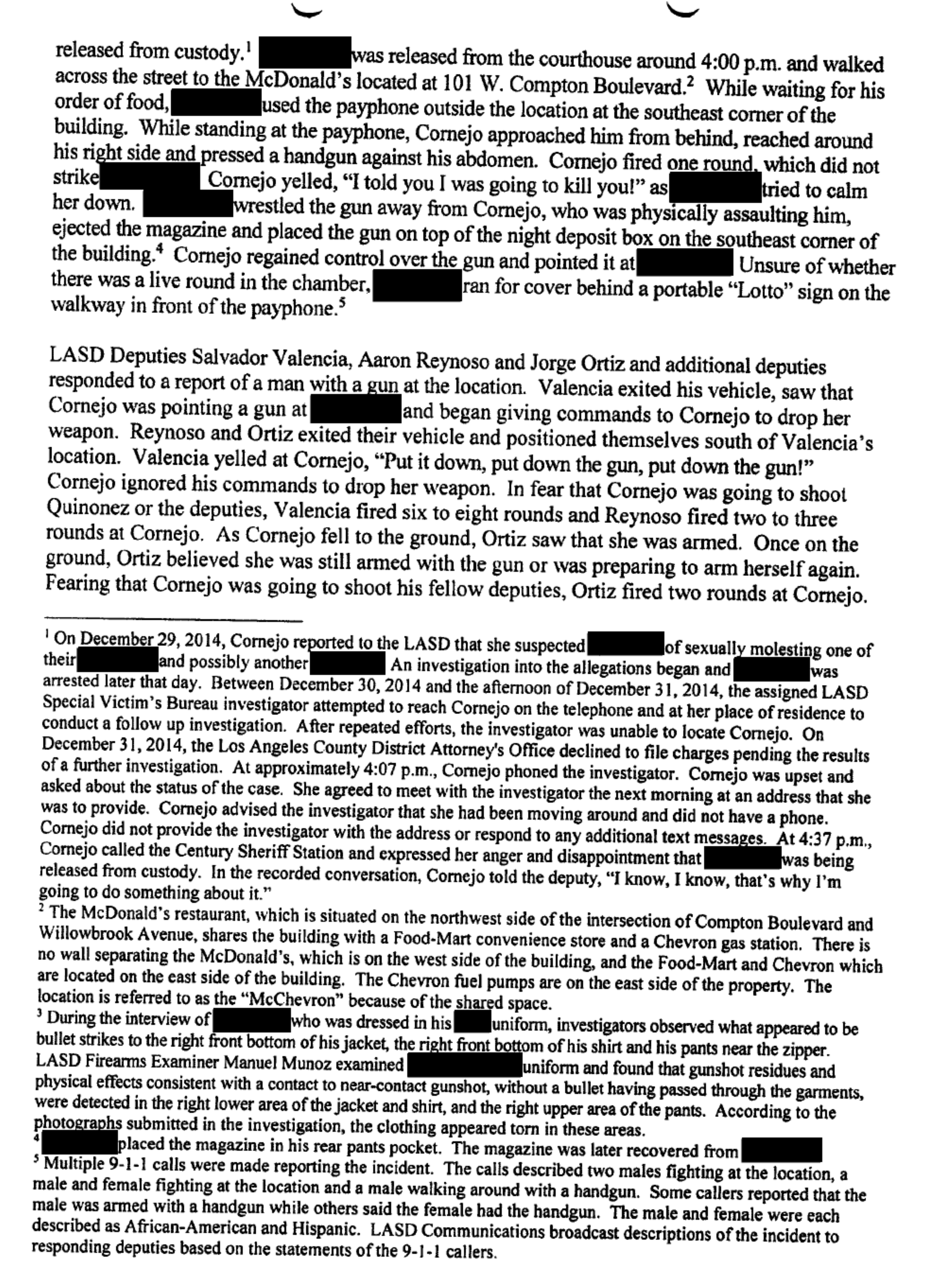
The Justice System Integrity Division of the Los Angeles County District Attorney's Office (LADA) has completed its review of the December 31, 2014, fatal shooting of Mayra Cornejo by Los Angeles County Sheriff's Department (LASD) Deputies Salvador Valencia, Aaron Reynoso and Jorge Ortiz. We have concluded that Deputies Valencia, Reynoso and Ortiz acted lawfully in self-defense and in defense of others.

The District Attorney's Command Center was notified of the shooting at approximately 5:20 p.m., on December 31, 2014. The District Attorney Response Team responded to the location. They were given a briefing regarding the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based on investigative reports, forensic science firearms analysis reports, photographic evidence and witness statements prepared by the LASD and submitted to this office by LASD Sergeants Robert Gray and Luis Nunez. The voluntary statements of Deputies Valencia, Reynoso and Ortiz were considered in this analysis.

## FACTUAL ANALYSIS

On December 31, 2014, Mayra Cornejo went to the Superior Court in the City of Compton and learned that charges had not been filed against her [redacted], [redacted] and that he would be



released from custody.[1] [redacted] was released from the courthouse around 4:00 p.m. and walked across the street to the McDonald's located at 101 W. Compton Boulevard.[2] While waiting for his order of food, [redacted] used the payphone outside the location at the southeast corner of the building. While standing at the payphone, Cornejo approached him from behind, reached around his right side and pressed a handgun against his abdomen. Cornejo fired one round, which did not strike [redacted] Cornejo yelled, "I told you I was going to kill you!" as [redacted] tried to calm her down. [redacted] wrestled the gun away from Cornejo, who was physically assaulting him, ejected the magazine and placed the gun on top of the night deposit box on the southeast corner of the building.[4] Cornejo regained control over the gun and pointed it at [redacted] Unsure of whether there was a live round in the chamber, [redacted] ran for cover behind a portable "Lotto" sign on the walkway in front of the payphone.[5]

LASD Deputies Salvador Valencia, Aaron Reynoso and Jorge Ortiz and additional deputies responded to a report of a man with a gun at the location. Valencia exited his vehicle, saw that Cornejo was pointing a gun at [redacted] and began giving commands to Cornejo to drop her weapon. Reynoso and Ortiz exited their vehicle and positioned themselves south of Valencia's location. Valencia yelled at Cornejo, "Put it down, put down the gun, put down the gun!" Cornejo ignored his commands to drop her weapon. In fear that Cornejo was going to shoot Quinonez or the deputies, Valencia fired six to eight rounds and Reynoso fired two to three rounds at Cornejo. As Cornejo fell to the ground, Ortiz saw that she was armed. Once on the ground, Ortiz believed she was still armed with the gun or was preparing to arm herself again. Fearing that Cornejo was going to shoot his fellow deputies, Ortiz fired two rounds at Cornejo.

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[1] On December 29, 2014, Cornejo reported to the LASD that she suspected [redacted] of sexually molesting one of their [redacted] and possibly another [redacted] An investigation into the allegations began and [redacted] was arrested later that day. Between December 30, 2014 and the afternoon of December 31, 2014, the assigned LASD Special Victim's Bureau investigator attempted to reach Cornejo on the telephone and at her place of residence to conduct a follow up investigation. After repeated efforts, the investigator was unable to locate Cornejo. On December 31, 2014, the Los Angeles County District Attorney's Office declined to file charges pending the results of a further investigation. At approximately 4:07 p.m., Cornejo phoned the investigator. Cornejo was upset and asked about the status of the case. She agreed to meet with the investigator the next morning at an address that she was to provide. Cornejo advised the investigator that she had been moving around and did not have a phone. Cornejo did not provide the investigator with the address or respond to any additional text messages. At 4:37 p.m., Cornejo called the Century Sheriff Station and expressed her anger and disappointment that [redacted] was being released from custody. In the recorded conversation, Cornejo told the deputy, "I know, I know, that's why I'm going to do something about it."

[2] The McDonald's restaurant, which is situated on the northwest side of the intersection of Compton Boulevard and Willowbrook Avenue, shares the building with a Food-Mart convenience store and a Chevron gas station. There is no wall separating the McDonald's, which is on the west side of the building, and the Food-Mart and Chevron which are located on the east side of the building. The Chevron fuel pumps are on the east side of the property. The location is referred to as the "McChevron" because of the shared space.

[3] During the interview of [redacted] who was dressed in his [redacted] uniform, investigators observed what appeared to be bullet strikes to the right front bottom of his jacket, the right front bottom of his shirt and his pants near the zipper. LASD Firearms Examiner Manuel Munoz examined [redacted] uniform and found that gunshot residues and physical effects consistent with a contact to near-contact gunshot, without a bullet having passed through the garments, were detected in the right lower area of the jacket and shirt, and the right upper area of the pants. According to the photographs submitted in the investigation, the clothing appeared torn in these areas.

[4] [redacted] placed the magazine in his rear pants pocket. The magazine was later recovered from [redacted]

[5] Multiple 9-1-1 calls were made reporting the incident. The calls described two males fighting at the location, a male and female fighting at the location and a male walking around with a handgun. Some callers reported that the male was armed with a handgun while others said the female had the handgun. The male and female were each described as African-American and Hispanic. LASD Communications broadcast descriptions of the incident to responding deputies based on the statements of the 9-1-1 callers.

A .45 caliber, Firestorm 45 Government semi-automatic handgun with no rounds in the firing chamber and no magazine inserted was found on the ground several inches from Cornejo's waist.

Paramedics transported Cornejo to St. Francis Hospital where she was pronounced dead at 5:08 p.m. On June 3, 2015, Deputy Medical Examiner Vadims Poukens performed a postmortem examination of her remains and determined that she suffered multiple gunshot wounds. The wounds were located in her chest, breast, wrist, legs, finger and back.

**Statement of Deputy Salvador Valencia**

On December 31, 2014, Deputy Valencia was working as a uniformed sheriff's deputy at the Compton Sheriff's station when he heard a radio dispatch of a domestic violence incident involving a black male with a handgun at the McDonald's and Chevron Gas Station located at 101 W. Compton Boulevard.[6] Valencia assigned himself to the call and drove a black and white marked patrol vehicle to the location. Valencia followed Sergeant Libira Carter, who drove ahead of him in a marked Chevrolet Tahoe SUV, to the location. In response to the handling unit's request, Valencia volunteered to take a position to the rear of the location where the incident was occurring. Valencia entered the parking lot at the southeast corner of Compton Boulevard and Willowbrook Avenue. Valencia observed Cornejo standing on the east walkway of the McDonald's/Chevron building holding a handgun in her right hand. Cornejo was chasing [redacted] as he ran southbound on the walkway.

Valencia stopped his patrol car in the parking lot, exited and withdrew his service weapon. Valencia, who was parallel with Cornejo, ordered her to "Put the gun down, put the gun down, put the gun down." [redacted] ran to a small sign and attempted to take cover and Cornejo pointed her handgun at him. Cornejo made a flinching motion with her hand as if she was pulling the trigger of her gun. Valencia believed Cornejo was attempting to shoot at [redacted] and he expected to see gunfire. Cornejo's gun did not fire and she began to manipulate it as if to correct a malfunction.[7] Valencia yelled, "Put it down, put down the gun, put down the gun!" From a distance of approximately ten feet, Valencia continued shouting commands at Cornejo, who looked directly at him, ignored his commands and continued to manipulate the gun. Cornejo then raised her gun and pointed it at [redacted] head, who was ducked down behind the sign.[8] Fearing that Cornejo was going to shoot and kill [redacted] Valencia fired six to eight rounds at Cornejo.[9]

After Valencia fired the rounds, Cornejo fell to the ground, dropped her gun and continued to move around. Unsure whether [redacted] posed a threat, Valencia ordered him to the ground. Valencia continued to watch [redacted] and Cornejo because there was a gun approximately one foot away

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[6] [redacted] is Hispanic.

[7] [redacted], a [redacted] who was inside the location at the time of the incident heard a single gunshot and then saw Cornejo and [redacted] struggling over a handgun. [redacted] called 9-1-1, and a deputy responded within twenty to thirty seconds. As the deputy parked his car, [redacted] saw Cornejo manipulating the gun as if she was getting it "ready to shoot". The deputy exited his vehicle and yelled for Cornejo to drop the gun. [redacted] could no longer see Cornejo because she had moved south and out of his line of sight. [redacted] heard gunshots, hid below a window and did not know who was shooting.

[8] Cornejo had continued to chase [redacted] who had run southbound and then northbound around the sign.

[9] A post-incident examination revealed that Valencia's departmentally issued 9 millimeter Smith and Wesson firearm was loaded with one round in the chamber and seven rounds in the magazine. Valencia's firearm was normally loaded with one round in the chamber and seventeen rounds in the magazine; this is consistent with Valencia having fired ten rounds during the officer-involved shooting.

from Cornejo. Additional responding deputies approached and monitored Cornejo, who was not handcuffed, because of the presence of her handgun.

**Statement of Deputy Aaron Reynoso**

On December 31, 2014, Deputy Reynoso worked as a uniformed sheriff's deputy and was assigned as the [redacted] for Deputy Jorge Ortiz. He and Ortiz were on patrol in a marked black and white patrol car in the area of Rosecrans Avenue and Wilmington Avenue, and Reynosa was the passenger. The deputies received a call of a male and female arguing at the McDonald's/Chevron located at Willowbrook Avenue and Compton Boulevard. The call also indicated that the woman was armed with a gun. Reynosa requested from dispatch that he and Ortiz be assigned as the handling deputies for the call.

Upon arriving at the location, Reynoso saw a marked black and white SUV and a marked patrol car enter the southeast side of the parking lot from Compton Boulevard. Reynosa and Ortiz drove from Compton Boulevard into the southwest opening to the parking lot and stopped their vehicle. Reynoso and Ortiz exited their vehicle and began walking towards a vehicle parked south of Valencia to obtain cover and to avoid the possibility of crossfire.[10] As they walked eastbound, Reynoso observed Cornejo, who was at the southeast Corner of the building. Cornejo was pointing a gun at [redacted] face and chest, who was approximately two to three feet north of her. Valencia was giving commands to Cornejo, but initially Reynoso was unsure of what he was saying. Reynoso then heard Valencia tell Cornejo to, "Drop it, drop it!" Cornejo turned her body towards Valencia with her right arm bent at a ninety degree angle, and the gun pointed in Valencia's direction. Fearing that Cornejo was going to shoot Valencia or [redacted] Reynoso fired two to three rounds at Cornejo.[11]

Cornejo fell to the ground onto her right shoulder and rolled to her back. Cornejo dropped her gun which landed on the ground near her left waist.

**Statement of Deputy Jorge Ortiz**

On December 31, 2014, Deputy Ortiz worked as a uniformed sheriff's deputy and was partnered with Deputy Reynoso. While on patrol in a marked black and white patrol car near Tajauta Avenue and Rosecrans Avenue, they received a call of a black male with a gun at the "McChevron" located at Willowbrook Avenue and Compton Boulevard. While enroute to the location, the call was assigned to Ortiz and he began to coordinate with assisting units.

Ortiz and Reynoso arrived at the same time as Valencia and a sergeant in another vehicle. Ortiz drove into the southwest driveway from Compton Boulevard and saw several people looking in an eastward direction. Ortiz parked the patrol car in a northeast direction, and he and Reynoso exited the vehicle. He and Reynoso began to "move with a purpose" towards the southeast corner of the building. Valencia was east of him, with his service weapon drawn and pointed to the west. Ortiz observed Cornejo, who stood with her back and possibly her right side towards him. Ortiz could

[10] Valencia was positioned behind the driver's door of his patrol car with his gun drawn.

[11] A post-incident examination revealed that Reynoso's departmentally issued 9 millimeter Smith and Wesson firearm was loaded with one round in the chamber and fourteen rounds in the magazine. Reynoso's firearm was normally loaded with one round in the chamber and seventeen rounds in the magazine; this is consistent with Valencia having fired three rounds during the officer-involved shooting.

see that Reynoso had his service weapon drawn and was pointing it towards Cornejo.[12] Ortiz heard someone shout, "Drop the gun, drop the gun, drop the gun!" and another male voice shouting commands.[13] Ortiz heard several gunshots but could not tell who was shooting. As the shooting occurred and Cornejo fell to the ground, Ortiz saw that she was armed with a handgun. Ortiz lost sight of the gun, but believed it was either on the ground on her left side or still in her hand. Cornejo began to move around and roll over towards her left side, away from the deputies. Within seconds of the shooting, Ortiz believed that Cornejo was still armed or was attempting to arm herself with the gun. Ortiz ordered her to stop but she continued moving. Fearing that she was going to shoot and kill him or the other deputies, Ortiz fired two rounds at Cornejo.[14] After firing the rounds, Ortiz saw that Cornejo was lying on her back with her hands exposed, and believed she was no longer a threat to his safety or that of the other deputies.

## Additional Information

There were numerous employees and customers inside the McDonald's/Chevron building and near the location at the time of the incident. Several witnesses observed the events leading up to the officer-involved shooting, and saw the physical struggle between Cornejo and [redacted] Some reported hearing a gunshot and then observing [redacted] struggle with Cornejo to take the handgun from her, and others heard the gunshot and observed Cornejo manipulating the gun as if she was getting ready to shoot it. While some of the witnesses saw and heard portions of the initial incident, they took cover because of the presence of the gun and did not observe the officer-involved shooting. Other witnesses said they observed the deputies fire their weapons but could not see where they were shooting.

[redacted] a [redacted] employed by the City of Compton, was assigned to the City Hall lobby located at 205 S. Willowbrook on the date of the incident. An unknown individual alerted [redacted] that a male and female were fighting down the street, and [redacted] called the Compton Sheriff's station to report the incident. While on hold, [redacted] accessed the surveillance camera affixed to the roof on the northeast corner of the Compton Courthouse, located at 200 W. Compton Boulevard. [redacted] focused the camera on Quinonez and Cornejo. The camera was not fixed and tracked their movements, which were periodically obstructed by trees and the limited angle of the camera. The video depicts a physical altercation between Cornejo and [redacted] at the McDonald's/Chevron. Cornejo repeatedly strikes and kicks [redacted] as they walk back and forth near the southeast corner of the building. [redacted] appears to be attempting to retrieve an unknown object from Cornejo's right hand. [redacted] is seen placing an unknown object into his right pants pocket and then walking toward the night deposit box on the east side of the building. Cornejo is seen producing a handgun from near the night deposit box and chasing [redacted] while pointing the gun at him. [redacted] runs around a portable sign and attempts to take cover behind it. Cornejo walks towards [redacted] with what appears to be both arms extended forward. Cornejo is

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[12] Reynoso stood in front of and to the right of Ortiz.

[13] Ortiz believed Valencia and possibly Reynoso shouted the commands but was unsure because he was focused on Cornejo and was not watching Valencia and Reynoso.

[14] A post-incident examination revealed that Ortiz' departmentally issued 9 millimeter Smith and Wesson firearm was loaded with one round in the chamber and thirteen rounds in the magazine. Ortiz' firearm was normally loaded with one round in the chamber and fifteen rounds in the magazine; this is consistent with Ortiz having fired two rounds during the officer-involved shooting.

then seen dropping to the ground.[15] A few seconds later, two deputies appear on camera and appear to walk eastbound past the southeast corner of the building with their handguns drawn.

The surveillance video from the McDonald's/Chevron did not capture the officer-involved shooting.

**LEGAL ANALYSIS**

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also,* CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight….The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Connor* (1989) 490 U.S. 386, 396-397.

**CONCLUSION**

The evidence examined in this investigation shows that Mayra Cornejo was upset that charges were not filed against [redacted] and that he was being released from custody. Outraged about the situation, Cornejo phoned the Century Sheriff Station and told a deputy that she was going to do something about it. Within minutes, Cornejo confronted [redacted] outside the McDonald's/Chevron located at 101 W. Compton Boulevard, placed a handgun against his body and fired a round. [redacted] was not struck with the round, and he disarmed Cornejo. [redacted] managed to remove Cornejo's firearm and eject the magazine, however Cornejo eventually regained possession of the handgun.

Deputies Salvador Valencia, Aaron Reynoso and Jorge Ortiz arrived in response to the call that either a man or woman was armed with a gun at the location. Valencia saw Cornejo holding a

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[15] The surveillance video was submitted as a part of this investigation. [redacted] said that while observing the incident on the surveillance video monitor, there appeared to be a few moments of conversation between the deputies and Cornejo before the deputies fired the rounds. This was not captured on the submitted video.

handgun and ordered her to put the gun down. Cornejo ignored Valencia's commands, manipulated the gun and pointed it at [redacted] who ran for cover. Reynoso and Ortiz arrived and heard Valencia yell at Cornejo, "Put it down, put down the gun, put down the gun!" Cornejo looked at Valencia, ignored his commands and continued to manipulate the gun. Cornejo then raised her gun and pointed it at [redacted] head, who was trying to take cover behind a sign. Believing that Cornejo was going to shoot [redacted] Valencia fired at Cornejo. Simultaneously, Reynoso observed Cornejo turn and point the gun in Valencia's direction. Believing that Cornejo was about to shoot Valencia or [redacted] Reynoso fired at Cornejo. During the shooting, Ortiz saw that Cornejo was armed but lost sight of the gun. As Cornejo moved around on the ground, Ortiz believed Cornejo was still armed or was attempting to arm herself again. Ortiz ordered her to stop moving, but she continued. Believing that Cornejo was going to shoot and kill him or the other deputies, Ortiz fired at Cornejo.

Given the rapidly evolving, life threatening situation that confronted Deputies Salvador Valencia, Aaron Reynoso and Jorge Ortiz, we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.